

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DEREK LURCH, JR.,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.
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23-CV-5249 (JHR) (OTW)

ORDER OF SERVICE

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed ECF Nos. 33 and 35. The parties’ motion for the Court to issue summonses to New York City Police Department (“NYPD”) Officer Michael Griffin, Officer Md Islamsarker, and Sergeant Mihai Tudor (collectively “NYPD Defendants”) is **GRANTED**.

Pro se Plaintiff brings this action under 42 U.S.C. § 1983, alleging that Defendants violated his constitutional rights. The Court granted Plaintiff’s request to proceed *in forma pauperis* (IFP) on June 21, 2023. (ECF 3). Because Plaintiff was granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). In Judge Rearden’s June 30, 2023, Order of Service, she directed Defense counsel to “ascertain the identity and badge number of each police officer whom Plaintiff seeks to sue here and the address where each one may be served,” so that the Court could issue a follow-up order of

service to these Defendants. (ECF 5 at 2). Defense counsel provided this information at ECF 33 at 3, as follows:

- Officer Michael Griffin, Shield No. 27875, Midtown South Precinct, 357 West 35th Street, New York, NY, 10001-1701;
- Officer Md Islamsarker, Shield No. 13050, Midtown South Precinct, 357 West 35th Street New York, NY, 10001-1701; and
- Sergeant Mihai Tudor, Shield No. 04250, Midtown South Precinct, 357 West 35th Street, New York, NY, 10001-1701.

Accordingly, to allow *pro se* Plaintiff to effect service on the NYPD Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the NYPD Defendants.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is respectfully directed to serve a copy of this Order on *pro se* Plaintiff. The Clerk of Court is further directed to close ECF 35.

SO ORDERED.

Dated: New York, New York
February 6, 2024

/s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge